THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE
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March 18, 2022

Rena Getz
Getz Committee
192 Pine Ridge Road
Waban, MA 02468

Re: Joint Campaign Activities; CPF-21-140

Dear Ms. Getz:

This office has completed its review of a complaint we received concerning joint campaign activities involving the Rena Getz Committee (the "Committee") and nine other city council candidate committees prior to the 2021 Newton city election. Based upon our review, we determined that your Committee's payment for a joint campaign mailing was not consistent with M.G.L. c. 55, § 6.

970 CMR 2.11 requires that the cost of joint campaign materials, including mailings or other communications, must be allocated between candidates and/or committees according to the benefit reasonably expected to be derived by each committee based upon a variety of factors, such as relative print space allocated to each committee or comparative benefit received by each committee. The cost of any joint campaign material not allocated in accordance with the regulations "shall be considered a contribution as defined by M.G.L. c. 55, § 1 from the committee making the expenditure to the other committee(s) involved in and benefitting from the expenditure, and will be subject to the contribution limitations of M.G.L. c. 55, §§ 6, 6A and 6B." 970 CMR 2.11(3). Section 6 of the Massachusetts campaign finance law prohibits a committee organized on behalf of a candidate from contributing to another candidate committee in excess of $100 in a calendar year. See M.G.L. c. 55, § 6.

In October 2021, ten city council candidates agreed to send to Newton residents a joint mailing urging the election of nine named candidates to the Newton City Council. The named candidates were John Oliver; Kevin Riffe; Julia Malakie; Deb Waller; Barry Bergman; Tarik Lucas; Lisa Gordon; Rena Getz; and Pam Wright. With the exception of Pam Wright, whose committee did not pay for any of the costs of the mailing, each of the candidate committees made a payment directly to the printing company, Boyd's Direct, to pay for what the candidates believed was a fair allocation of the cost of the mailing. In addition, the Committee to Elect Emily Norton made a payment to the printer towards the cost of the mailing, despite the fact that her name or likeness did not appear on the mailing.[1] The total cost of the mailing was $8,826.72. All of the committees that made payments for the mailing accurately and timely disclosed the expenditures in their October 2021 bank reports.

[1] Although Norton was not referenced on the mailing, she was an unopposed candidate for City Council in the November 2021 election.

In conversations with OCPF staff, representatives from one of the committees indicated that a variety of factors were used to determine the amount paid by each supported candidate, including whether a candidate was an at-large or ward-only candidate, the available funds for each campaign, the number of voters each candidate needed to attract to be successful, and the value of additional name recognition against future challengers. After reviewing the amount spent by each committee, and the methodology initially used to determine the cost allocation, OCPF concluded that the relative payments made by each committee for the mailing were not consistent with 970 CMR 2.11, and resulted in the making or receipt of candidate-to-candidate in-kind contributions in excess of $100, in violation of M.G.L. c. 55, § 6. OCPF's determination was based on a variety of considerations, including the committees' partial reliance on factors that did not conform to the requirements of 970 CMR 2.11, and the fact that one named candidate did not initially make any payment towards the mailing while another candidate not named on the mailing paid in excess of 32% of its total cost.

To resolve this matter, each of the involved committees worked together to recalculate the cost allocable to each committee, based upon the factors more closely conforming to those set forth in 970 CMR 2.11. The committees for each of the candidates referenced on the mailing promptly wrote new checks to the printer for the correct allocated amount; the printer then deposited the new checks and, once those checks cleared, issued refund checks to each of the committees that originally made a payment towards the mailing in the amount of their original payment. As a result, your Committee made a new payment to the printer in the amount of $1,337.54 on November 23, 2021, and deposited a refund from the printer in the amount of $1,000 on November 29, 2021. By making the new payment, and receiving the refund of the original inaccurate payment, your Committee has rectified any excess candidate-to-candidate in-kind contributions that initially resulted from this mailing.

OCPF notes that all candidates and committees involved cooperated fully with this review, and acted promptly to ensure that the issues raised were resolved quickly. Therefore, because the appropriate remedial action has been taken, and because we believe that this letter will ensure future compliance with the campaign finance law, OCPF has determined that no further action will be taken at this time. Should your Committee wish to send a mailing in conjunction with other committees in the future, you should contact our office for guidance.

In accordance with the opinion of the Supervisor of Public Records this letter is a public record. If you have any questions regarding this letter or any other campaign finance matter, please do not hesitate to contact this office. A copy may be provided to the person(s) who brought this matter to our attention.

Sincerely,

William C. Campbell/mc

William C. Campbell
Director

cc: Bob Burke, Treasurer